

67,200-409; TSMC 00-661
Serial Number 09/978,420

REMARKS

Favorable reconsideration of this application in light of the following remarks is respectfully requested.

Claims 1-3, 6 and 13 are pending within this application. Claims 4-5 and 7-12 are canceled. Claim 1 and claim 13 are amended herein. No claims have been allowed.

Claim 1 is amended to incorporate therein the limitations of claim 4, while canceling claim 4.

Claim 5 has previously been canceled but the text thereof not previously properly deleted.

Claim 13 is amended to correct a typographic error.

Independent claims 1 and 13 claim the limitation of applicant's fuse layer being formed simultaneously with an alignment mark within applicant's microelectronic fabrication. In accord with applicant's appeal brief and in accord with further discussion below, applicant asserts that the same limitation provides a patentable distinction of applicant's invention over that which is disclosed within Wang et al. (U.S. Pub. No. 2002/0155672; hereinafter "Wang"), as employed for rejecting applicant's claims to applicant's invention under 35 U.S.C. § 102(e).

Claim Objections

Claim 5 is objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 13 is objected to incident to a typographic informality.

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In response, applicant has canceled claim 5 and amended claim 13 to address the foregoing objections.

In light of the foregoing response, applicant respectfully requests that the Examiner's objections to applicant's claims be withdrawn.

Claim Rejections -- 35 U.S.C. § 102

Claims 1-6 and 13 stand rejected under 35 U.S.C. § 102(c) as being anticipated by Wang et al. (U.S. Pub. No. 20020155672 A1; hereinafter "Wang").

In response, applicant has amended claim 1 to incorporate therein the limitations of claim 4, while canceling claim 4, to provide within amended claim 1 (and also within claim 13) subject matter which applicant believes to patentably distinguish applicant's invention as disclosed and claimed therein from that which is taught within Wang.

In that regard, applicant has amended claim 1 to provide that applicant's at least one fuse layer is formed simultaneously with an alignment mark within applicant's microelectronic fabrication.

Wang does not apparently teach an alignment mark within Wang's microelectronic fabrication, and in accord with further discussion in applicant's appeal brief, applicant does not believe that Wang's bond pad 112b may properly be considered an alignment mark, as suggested by the Examiner at page 3, last paragraph of the office action made FINAL.

Thus, since each and every limitation within applicant's invention as disclosed and claimed within claim 1 and claim 13 is not taught within Wang, in particular with respect to a fuse formed simultaneously with an alignment mark within a microelectronic fabrication,

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applicant asserts that claim 1 and claim 13 may not properly be rejected under 35 U.S.C. § 102(e) as being anticipated by Wang. Since all remaining claims within the foregoing rejection are dependent upon claim 1 and carry all of the limitations of claim 1, applicant additionally asserts that those remaining claims may also not properly be rejected under 35 U.S.C. § 102(e) as being anticipated by Wang.

In light of the foregoing response, applicant respectfully requests that the Examiner's rejections of claims 1-6 and 13 under 35 U.S.C. § 102(e) as being anticipated by Wang be withdrawn.

Other Considerations

Applicant again acknowledges the additional prior art of record cited by the Examiner but not employed in rejecting applicant's claims to applicant's invention, in particular: (1) Barth et al. (U.S. Patent No. 6,559,042); (2) Tottori (U.S. Pub. No. 2002/0014680); (3) Ema (U.S. Patent No. 5,297,541); and (4) Tzeng et al. (U.S. Patent No. 6,180,503) as generally pertinent to applicant's invention. No fee is due as a result of this amendment and response.

SUMMARY

Applicant's invention as disclosed and claimed within claim 1 and claim 13 is directed towards a method for fabricating a microelectronic fabrication having formed therein a patterned conductor layer and a fuse layer. Within applicant's invention, the fuse layer is formed at a level no lower than a highest of the series of patterned conductor layers. The fuse layer is also formed simultaneously with an alignment mark within the microelectronic fabrication. Absent from the prior art of record employed in rejecting applicant's claims to applicant's invention is a teaching of each and every limitation within applicant's claimed invention.

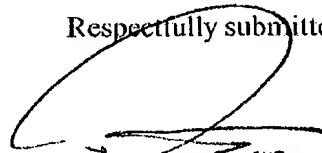
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CONCLUSION

On the basis of the above remarks, reconsideration of this application, and its early allowance, are respectfully requested.

Any inquiries relating to this or earlier communications pertaining to this application may be directed to the undersigned attorney at 248-540-4040.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Randy W. Tung", written over a horizontal line.

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